

Message Text

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ACTION EUR-12

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FM AMEMBASSY ROME
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INFO AMCONSUL FLORENCE
AMCONSUL GENOA
AMCONSUL MILAN
AMCONSUL NAPLES
AMCONSUL PALERMO
AMCONSUL TRIESTE POUCH
AMCONSUL TURIN POUCH

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E.O. 11652: N/A
TAGS: PINT, IT
SUBJ: THE STATUS OF THE FIVE PENDING REFERENDA

BEGIN SUMMARY: THE ITALIAN ELECTORATE WILL PROBABLY
HAVE AT LEAS TWO REFERENDA TO VOTE UPON ON JUNE 11--ONE
ON GOVERNMENT FINANCING OF POLITICAL PARTIES AND THE
OTHER ON THE REALE LAW CONCERNING PUBLIC ORDER. HOWEVER,
REFERENDA COULD CONCEIVABLY ALSO BE HELD ON COURTS
OF INQUIRY, TREATMENT OF THE INSANE, AND ABORTION.
THE REFERENDUM ON THE REALE LAW WILL POSE PROBLEMS
FOR THE COMMUNISTS WHILE ONE ON ABORTION WOULD BE
POLITICALLY AND IDEOLOGICALLY DIVISIVE FOR THE
GOVERNING MAJORITY. END SUMMARY.

REFERENDUM ON REALE LAW APPEARS INEVITABLE

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1. ALTHOUGH THE CHAMBER OF DUPUTIES WILL CONTINUE ITS
ATTEMPTS TO PASS A NEW VERSION OF THE REALE LAW ON PUBLIC
ORDER, PARLIAMENTARY LEADERS HAVE LOST HOPE THAT A RE-
FORM LAW CAN BE PASSED IN TIME TO AVOID A PUBLIC
REFERENDUM ON THE ISSUE. THE RADICAL PARTY AND THE
MSI HAVE TABLED SEVERAL THOUSAND AMENDMENTS TO THE
PENDING REFORM BILL AND THERE IS NO PARLIAMENTARY MEANS

OF OVERCOMING WHAT AMOUNTS TO A FILIBUSTER. THE RADICALS MAINTAIN THAT THE PROPOSED NEW LEGISLATION DOES NOT GO FAR ENOUGH IN REMOVING THE LIMITS ON CIVIL LIBERTIES INHERENT IN THE REALE LAW. THE MSI OBJECTS TO THE PROPOSED PENALTIES TO REESTABLISHING THE FASCIST PARTY.

THE POLITICAL PROBLEMS OF THE REFERENDUM

2. THE GOVERNMENT AND ITS PARLIAMENTARY PARTNERS ARE HOSTILE IN PRINCIPLE TO THE HOLDING OF REFERENDA AND HAVE BEEN EXTREMELY ANXIOUS TO AVOID REFERENDA ON ISSUES ON WHICH THEY ARE NOT IN SUBSTANTIAL AGREEMENT, IN PARTICULAR THOSE ON THE REALE LAW AND ABORTION. THE REFERENDUM ON THE REALE LAW WILL BE ACUTELY EMBARRASSING TO THE COMMUNISTS. THEY VOTED AGAINST ITS PASSAGE IN 1975 AND VOTED TO REFORM IT THE FOLLOWING YEAR. THEY MUST NOW ABANDON THIS POSITION-- AND PERHAPS A GOOD MANY OF THEIR SUPPORTERS--IF THEY WHISH TO AVOID A CLASH WITH THE CHRISTIAN DEMOCRATS, TO BE ON THE "RIGHT" SIDE OF THE LAW AND ORDER ISSUE, AND TO AVERT AN ALMOST INEVITABLE DEFEAT ON THE ISSUE WHEN IT COMES TO A VOTE.

3. THESE PROBLEMS WOULD BE MAGNIFIED IF, AS SEEMS BARELY POSSIBLE, A REFERENDUM IS ALSO HELD ON ABORTION. THAT LIMITED OFFICIAL USE

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ISSUE WOULD EVOKE STRONG IDEOLOGICAL AND POLITICAL DIFFERENCES AMONG THE PARTIES AND WOULD CAUSE STRAINS WITHIN THE PARLIAMENTARY MAJORITY.

THE BOX SCORE

4. IT NOW APPEARS DEFINITE THAT REFERENDA WILL BE HELD ON JUNE 11 ON AT LEAST TWO ISSUES--GOVERNMENT FINANCING OF POLITICAL PARTIES AND THE REALE LAW ON PUBLIC ORDER. ALTHOUGH THE SENATE IS EXPECTED TO APPROVE THE ABORTION BILL ALREADY PASSED IN THE CHAMBER, A REFERENDUM ON THIS ISSUE WILL ALSO BE HELD UNLESS LEGISLATIVE ACTION IS COMPLETED SOON. PARLIAMENTARY ACTION HAS ALREADY BEEN COMPLETED ON TWO OTHER ISSUES--COURTS OF INQUIRY AND TREATMENT OF THE INSANE.

5. HOWEVER, THE LEGISLATION ON THESE TWO ISSUES AND THAT ON ABORTION, IF ACTION IS COMPLETED, MUST STILL BE REVIEWED BY THE SUPREME COURT OF APPEAL, WHICH HAS TO DECIDE WHETHER THE REFORM LEGISLATION MEETS THE INTENT OF EACH OF THE PROPOSED REFERENDA. WERE THE

COURT TO DECIDE THAT A NEW LAW IS INADEQUATELY RESPONSIVE
TO THE SPIRIT OF THE SPECIFIC REFERENDUM, THE
REFERENDUM ON THAT ISSUE WILL GO AHEAD. THE REFERENDUM
WILL ALSO BE HELD IF THE COURT DOES NOT HAVE TIME TO
HAND DOWN A JUDGEMENT. HENCE IT REMAINS UNCERTAIN
WHETHER TWO OR MORE ISSUES WILL BE VOTED UPON IN JUNE.
GARDNER

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